

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

VICENTE RAMANO MONTAGUE-
GRIFFITH,

Petitioner,

v.

ORDER
02-CV-509A

M. FRANCES HOLMES, et al.,

Respondents.

The above-referenced case was referred to Magistrate Judge Victor E. Bianchini, pursuant to 28 U.S.C. § 636(b)(1)(B). On September 24, 2008, Magistrate Judge Bianchini filed a Report and Recommendation, recommending that respondents' motion to dismiss the petition be granted and that petitioner's petition and amended petition for a writ of habeas corpus under 28 U.S.C. § 2241 be dismissed as moot.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Bianchini's Report and Recommendation, respondents' motion to dismiss the petition is granted and petitioner's petition and amended petition for a writ of habeas corpus under 28 U.S.C. § 2241 is dismissed as moot.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: September 30 , 2008